

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2641/2013

M.A.No.985/2016

with

O.A.No.327/2014

O.A.No.2259/2013

Order Reserved on: 21.12.2016

Order pronounced on 23.12.2016

Hon'ble Shri V. Ajay Kumar, Member (J)

Hon'ble Mrs. Praveen Mahajan, Member (A)

O.A.No.2641/2013

M.A.No.985/2016

Inder Singh

S/o Sh. Ram Bax

r/o H.No.86, Gali No.2, Bhim Nagar

Bypass, Ghaziabad (UP).

... Applicant

(By Advocate: Sh. Lalta Prasad)

Versus

1. Union of Indian

Through General Manager

Northern Railway

Baroda House, New Delhi.

2. The Divisional Railway Manager

Northern Railway, Delhi Division

State Entry Road, New Delhi.

3. The Divisional Personal Officer

Northern Railway, Delhi Division

State Entry Road

New Delhi.

... Respondents

(By Advocate: Shri Satpal Singh)

with

O.A.No.327/2014

Nand Ram

S/o Sh. Sanwal Ram

R/o Vill. Dhani Thethar badh

Distt. Rewari (Har).

...

Applicant

(By Advocate: Sh. Yogesh Sharma)

Versus

1. Union of India through
The General Manager
North-Wester (sic. Western) Railway,
Jaipur.
2. The Divisional Railway Manager
North-Western Railway, Bikaner Division
Bikaner.
3. The Section Engineer (P/Way)
North-Western Railway, Mahendergarh (Har).
4. The Secretary
Ministry of Railway, Rail Bhawan
New Delhi.

.....Respondents.

(By Advocate: Shri Rahul Pandey with Shri Kripa Shanker Prasad
and Shri Shailendra Tiwari)

O.A.No.2259/2013

Om Parkash

S/o Sh. Harnam Dass

R/o Quarter No.L-189B,

Railway Loco Colony

Jind (Haryana).

...

Applicant

(By Advocate: Sh.H.P.Chakravorty)

Versus

1. Union of Indian
Through General Manager
Northern Railway
Baroda House
New Delhi.
 2. The General Manager(P)
Northern Railway
Baroda House
New Delhi.
 3. The Divisional Railway Manager
Northern Railway
Delhi Division
State Entry Road
New Delhi.
- ... Respondents

(By Advocate: Shri R.N.Singh and Shri H.S.Dahiya)

ORDER

By V. Ajay Kumar, Member (J):

In this batch of OAs, the applicants are the employees of the Railways or their wards and seeking granting of certain benefits under the Liberalised Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short, LARSGES Scheme). The said Scheme was formulated by the respondents in the year 2004 and modified in the year 2010 enables 2nd category job of Railway employees to seek Voluntary Retirement after they reach the age group of 55-56 years (as amended from time to time) or on completion of qualifying service

of 33 years (as amended from time to time) and they can seek appointment of their wards in their place.

2. The Constitutional validity of the LARSGES Scheme came up before various Benches of this Tribunal, including the Principal Bench at New Delhi, and the Scheme was quashed by the Principal Bench at New Delhi by holding that the same is unconstitutional. However, the said decision of the Principal Bench at New Delhi was set aside and remanded back, by the jurisdictional High Court, on technical grounds. Similar is the situation with certain other bench decisions on the validity of the Scheme.

3. On a reference, a Full Bench of this Tribunal in OA No.1540/2013, dated 07.08.2015 in **R. Krishna Rao v. Union of India & Others**, upheld the legality and validity of the LARSGES Scheme.

4. When the aforesaid batch of OAs were taken up for hearing, it is brought to our notice that in CWP No.7714/2016, the Hon'ble High Court of Punjab & Haryana at Chandigarh, by its Judgement dated 27.04.2016, in **Kala Singh and Others v. Union of India & Others**, by holding that the LARSGES Scheme does not stand to the test of Articles 14 and 16 of the Constitution of India and that the policy is a device evolved by the Railways to make back-door entries in public employment and brazenly militates against equality in public employment, directed the Railway authorities that hitherto before making any appointment under the offending policy, its validity and

sustainability be re-visited keeping in view the principles of equal opportunity and elimination of monopoly in holding public employment.

5. It is also brought to our notice that a reference was made to Railway Board seeking guidelines in reference to the aforesaid orders of the Hon'ble High Court of Punjab and Haryana wherein the LARSGES Scheme was held to be violative of Articles 14 and 16 of the Constitution of India.

6. Since the learned counsel appearing for both sides, could not place any other Order of the Hon'ble High Court of Delhi, which is the jurisdictional High Court or any other High Court or Supreme Court, contrary to the above decision of the Hon'ble High Court of Punjab & Haryana, we are bound by the said decision.

7. In the circumstances, and for the aforesaid reasons, all the OAs are disposed of in terms of the Order dated 27.04.2016 in CWP No.7714/2016 of the Hon'ble High Court of Punjab & Haryana in **Kala Singh & Others v. Union of India & Others** (supra). MAs, if any, pending are also disposed of accordingly. No costs.

(Praveen Mahajan)
Member (A)

(V. Ajay Kumar)
Member (J)

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